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JAY H MAIOLI COOPER & DUNHAM 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036		EXAMINER HAYES, JOHN W		
		ART UNIT 3621		PAPER NUMBER

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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/319,093  
Filing Date: August 16, 1999  
Appellant(s): HAN, MIN-JAE

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Mr. Jay H. Maioli  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 14 March 2005.

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**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

Claims 1-18 stand or fall together in accordance with appellant's statement in the brief

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

EPO 0 309 298	BALL et al	3-1989
5,850,527	SUZUKI	12-1998
4,964,109	YOSHIOKA	10-1990
4,528,643	FREENY, JR.	7-1985
5,084,790	ENDOH	1-1992

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

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Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al. (Ball hereinafter: EPO 0 309 298) in view of Suzuki, U.S. Patent No 5,850,527, Yoshioka, U.S. Patent No. 4,964,109 and Freeny, Jr., U.S. Patent No. 4,528,643 and Endoh, U.S. Patent No. 5,084,790.

**Re claim 1:** Ball discloses a record/playback apparatus comprising:

a record/playback unit (Figure 1) for reading out data from a first recording medium (Figure 1, Hi-Fi Audio Tape Player) and recording the data onto a second recording medium (Video tape) according to different speeds (Page 3, line 60-Page 4 line 27); and

a control unit (Figure 1; Page 6, lines 20-25 and 38-48; Page 7, lines 2-5) for controlling the record/playback unit to start the recording of data from the first medium to the second medium; and configured to generate basic data for imposing payment (Page 3, lines 6-15 and 32-38; Page 5, lines 15-22) based on a copyright holder ID read from the first recording medium (Page 3, lines 7-20; Page 5, lines 15-22), data indicative of a user identification (Page 3, lines 15-20) and configured to transmit the basic data for imposing payment and configured to cause the record/playback unit to start the recording of the data read out from the first recording medium onto the second recording medium (Page 3, lines 5-20 and 32-37; Page 5, lines 15-22) at the dubbing speed selected by the user (Page 3, line 60-Page 4 line 27).

a payment imposing unit configured to determine an amount of payment based on a variety of factors such as copyright holder ID and royalty payments to owners and allowing the control unit to start the recording once payment has been completed (Page 3, lines 5-20 and 32-37; Page 5, lines 10-22; Page 9, lines 45-48).

Ball, however, fails to specifically disclose wherein the payment imposed upon the user is based upon the dubbing speed selected by the user and causing the record/playback unit to start the recording of the data read out from the first recording medium onto the second recording medium at a standard dubbing speed without transmitting the basic data to the payment imposing unit.

Susuki discloses an information providing apparatus that enables user selected information to be recorded and also enables the user to select a speed at which the information is transmitted and recorded to a local terminal (Col. 9, lines 58-64; Col. 10, lines 8-43; Col. 14, lines 1-7 and 54-67) and further

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teaches wherein the payment imposed on the user is based on the transmission or recording speed selected by the user (Figures 13-14 and 17-18; Col. 6, lines 43-49 and 55-60; Col. 13, lines 24-48 and Col. 20, lines 30-35). Thus, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the method of Ball and adopt the teachings of Suzuki and incorporate the ability to charge different fees based upon the recording speed. Suzuki provides motivation by indicating that this would provide more flexibility due to the fact that the user can be charged a fee based upon the quality and value of the information provided (Col. 5, lines 1-5; Col. 6, lines 55-60; Col. 20, lines 30-35).

Ball further discloses setting the dubbing speed to 1, 8 or N times, wherein 1 would indicate a standard speed for recording, however, fails to disclose causing the record/playback unit to start the recording of the data read out from the first recording medium onto the second recording medium at a standard dubbing speed without transmitting the basic data to the payment imposing unit. Yoshioka discloses digital disc reproduction system and teaches a record/playback unit to read data from a first recording medium (Figure 2, CD Player 12) and record onto a second recording medium (Figure 2, cassette recorder 11). Yoshioka further teaches a control unit (microcomputer) for controlling the recording operation in fast speed dubbing mode as well as standard speed dubbing mode using a selector switch (Col. 5, lines 7-20). Yoshioka also teaches that the recording is started in the standard speed dubbing mode without transmitting any data to a payment imposing unit since Yoshioka is not concerned with paying for the service. Thus, it would have been obvious to one having ordinary skill in the art to implement either scenario (payment required or no payment required) in the system of Ball in view of the teachings of Suzuki and Yoshioka. If one was concerned about receiving payment for the dubbing service at increased speeds, then, it would have been obvious to one having ordinary skill in the art to modify Ball and adopt the teachings of Suzuki to allow for charging based upon the dubbing speed. If one was not concerned about receiving payment or offering the service for free if the standard dubbing speed is used, then, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Ball and adopt the teachings of Yoshioka to allow for recording at a standard speed

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without transmitting data to a payment imposing unit, thereby, starting the recording without charging the user.

Ball further discloses making royalty payments to copyright holders, however, fails to specifically disclose transferring the payment collected to an account specified by the copyright holder. Freeny discloses a system for reproducing information in material objects at a point of sale and further disclose using an owner code to identify the owner of the information to be recorded (Col. 6, lines 15-24; Col. 6 line 67-Col. 7 line 15) and transferring funds to an account specified by the copyright holder or owner of the information as part of a credit card transaction (Col. 13, lines 25-40). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Ball and adopt the teachings of Freeny in order for the copyright holder or owner of the information to receive direct compensation for the sale of the recording.

Ball further discloses reading copyright holder ID data (Page 3, lines 5-20), however fails to explicitly disclose reading this information from a control data storage region of the recording medium. Endoh discloses an apparatus for copying data stored on a recording medium and further teaches reading copyright holder information from the recording medium (Figure 7; Col. 4, lines 55-60; Col. 5, lines 35-45; Col. 7, lines 45-55). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Ball and include reading copyright holder information from the recording medium being recorded using any known method for storing and reading copyright holder information. Ball describes using the copyright information to prevent illegal usage of the data, but does not describe where this information is read from. Endoh discloses reading this information from a storage area of the recording medium. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Ball and read copyright holder from a storage area of the recording medium since it was known to store this type of information in a storage area of a recording medium.

**Re claim 2:** Ball does not explicitly disclose the use of a key data generator for the payment imposing unit. However, Ball discloses the use of a communication link (page 5, lines 10) for automatic

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forwarding of the royalty fees involved in the operation of the apparatus. Thus, it would have been obvious to one of ordinary skill in the art to employ a key data generator for the payment imposing unit (i.e., accounting means) to generate key data for secure transmission of the completion of imposing payment over the communication link to the apparatus.

**Re claims 3, 4:** It is fundamental in the art to verify the key data transmitted through the communication link by collating with key data held by the apparatus to prevent fraud. Further, Ball discloses recording of the data onto the second recording medium based on the judging to discourage subsequent unauthorized copying from the dispensed tapes.

**Re claim 5:** It is fundamental in the art to transfer any information after authentication of the key to prevent fraud.

**Re claims 6, 7:** Ball does not explicitly disclose canceling the imposed payment when the selected dubbing speed is a predetermined speed. However, Yoshioka discloses digital disc reproduction system and teaches a record/playback unit to read data from a first recording medium (Figure 2, CD Player 12) and record onto a second recording medium (Figure 2, cassette recorder 11). Yoshioka further teaches a control unit (microcomputer) for controlling the recording operation in fast speed dubbing mode as well as standard speed dubbing mode using a selector switch (Col. 5, lines 7-20). Yoshioka also teaches that the recording is started in the standard speed dubbing mode without transmitting any data to a payment imposing unit since Yoshioka is not concerned with paying for the service. Thus, it would have been obvious to one having ordinary skill in the art to implement either scenario (payment required or no payment required) in the system of Ball in view of the teachings of Susuki and Yoshioka. If one was concerned about receiving payment for the dubbing service at increased speeds, then, it would have been obvious to one having ordinary skill in the art to modify Ball and adopt the teachings of Susuki to allow for charging based upon the dubbing speed. If one was not concerned about receiving payment or offering the service for free if the standard dubbing speed is used,

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then, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Ball and adopt the teachings of Yoshioka to allow for recording at a standard speed without transmitting data to a payment imposing unit, thereby, starting the recording without charging the user.

**Re claim 8:** Ball further discloses an operating unit (i.e., royalty encoding means) connected to the control unit and a data storage unit (i.e., master tapes) where a plurality of data is stored, wherein the control unit reads out corresponding data from the data storage unit in response to indicator data supplied in response to an information input from the operating unit and directs the record/playback unit to record the data read out from the data storage unit onto the first recording medium (Page 2, lines 54-63; Page 4, lines 54-61).

**Re claim 9, 10:** Ball discloses various embodiments including the data storage unit and the payment imposing unit are connected via a communications line to the control unit (page 5, lines 10-23).

**Re claim 11:** Ball discloses a record/playback method of reading out data from a first recording medium and recording the data onto a second recording medium with the use of an apparatus capable of reading out the data from the first recording medium and recording the data onto the second recording medium (Page 2, lines 6-10 and page 3 lines 35-37 ; Page 3, line 60-Page 4 line 27, the method comprising the steps of:

reading out corresponding data from a data storage unit where a plurality of data is stored and recording the data onto a second recording medium in response to indicator data received from an operating unit in an apparatus for reading out data from a first recording medium and recording the data onto a second recording medium (page 2, lines 6-10; page 3 lines 35-37 ; page 3, line 60-Page 4 line 27);

generating basic data for imposing payment (Page 3, lines 6-15 and 32-38; Page 5, lines 15-22) based on a copyright holder ID read from the first recording medium (Page 3, lines 7-20; Page 5, lines 15-22) and data indicative of a user identification (Page 3, lines 15-20) (i.e., based on input identification, basic data should be generated to calculate an appropriate royalty



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transmitting the basic data for imposing payment from the apparatus to a payment imposing unit (i.e., after generating the basic data based on input identification, the basic data should be transferred to a payment imposing unit (i.e., accounting means) to calculate the appropriate royalty (Page 3, lines 5-20 and 32-37; Page 5, lines 15-22);

imposing payment according to the basic data for imposing payment received and generating data indicative of completion of imposing payment thereby verifying an electronic transfer of funds from an account of the specific user in the payment imposing unit (i.e., after calculating the appropriate royalty, the machine will require payment of the royalty) (Page 3, lines 5-20 and 32-37; Page 5, lines 10-22; Page 9, lines 45-48);

transmitting the data indicative of the completion of imposing payment from the payment imposing unit to the apparatus (i.e., after the royalty is paid by a user, the data of the completion of payment should be transferred to the apparatus)( Page 3, lines 5-20 and 32-37; Page 5, lines 10-22; Page 9, lines 45-48); and

directing the apparatus to start recording the data read out from the first recording medium onto the second recording medium in response to the data indicative of the completion of imposing payment (i.e., after receiving the data of the completion of payment from the payment imposing unit (i.e., accounting means), the apparatus would make a copy of selected music)( Page 3, lines 5-20 and 32-37; Page 5, lines 10-22; Page 9, lines 45-48).

Ball does not explicitly disclose that an amount of payment is determined according to the dubbing speed selected by the user for recording the data read out from the first recording medium onto the second recording medium and a payment amount for a user is determined according to the dubbing speed and data indicative of user identification.

Susuki discloses an information providing apparatus that enables a user select information to be recorded and also enables the user to select a speed at which the information is transmitted and recorded to a local terminal (Col. 9, lines 58-64; Col. 10, lines 8-43; Col. 14, lines 1-7 and 54-67) and further teaches wherein the payment imposed on the user is based on the transmission or recording speed selected by the user (Figures 13-14 and 17-18; Col. 6, lines 43-49 and 55-60; Col. 13, lines 24-48 and

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Col. 20, lines 30-35). Thus, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the method of and adopt the teachings of Suzuki and incorporate the ability to charge different fees based upon the recording speed. Suzuki provides motivation by indicating that this would provide more flexibility due to the fact that the user can be charged a fee based upon the quality and value of the information provided (Col. 5, lines 1-5; Col. 6, lines 55-60; Col. 20, lines 30-35).

Ball further discloses setting the dubbing speed to 1, 8 or N times, wherein 1 would indicate a standard speed for recording, however, fails to disclose causing the record/playback unit to start the recording of the data read out from the first recording medium onto the second recording medium at a standard dubbing speed without transmitting the basic data to the payment imposing unit. Yoshioka discloses digital disc reproduction system and teaches a record/playback unit to read data from a first recording medium (Figure 2, CD Player 12) and record onto a second recording medium (Figure 2, cassette recorder 11). Yoshioka further teaches a control unit (microcomputer) for controlling the recording operation in fast speed dubbing mode as well as standard speed dubbing mode using a selector switch (Col. 5, lines 7-20). Yoshioka also teaches that the recording is started in the standard speed dubbing mode without transmitting any data to a payment imposing unit since Yoshioka is not concerned with paying for the service. Thus, if one was not concerned about receiving payment or offering the service for free if the standard dubbing speed is used, then, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Ball and adopt the teachings of Yoshioka to allow for recording at a standard speed without transmitting data to a payment imposing unit, thereby, starting the recording without charging the user.

Ball further discloses making royalty payments to copyright holders, however, fails to specifically disclose transferring the payment collected to an account specified by the copyright holder. Freeny discloses a system for reproducing information in material objects at a point of sale and further disclose using an owner code to identify the owner of the information to be recorded (Col. 6, lines 15-24; Col. 6 line 67-Col. 7 line 15) and transferring funds to an account specified by the copyright holder or owner of the information as part of a credit card transaction (Col. 13, lines 25-40). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Ball

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and adopt the teachings of Freeny in order for the copyright holder or owner of the information to receive direct compensation for the sale of the recording.

Ball further discloses reading copyright holder ID data (Page 3, lines 5-20), however fails to explicitly disclose reading this information from a control data storage region of the recording medium. Moriyama et al disclose an apparatus for utilizing data stored on a recording medium and further teaches reading copyright holder information from the recording medium (Col. 10, lines 53-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Ball and include reading copyright holder information from the disc being recorded using any known method for storing and reading copyright holder information. Ball describes using the copyright information to prevent illegal usage of the data, but does not describe where this information is read from. Moriyama et al discloses reading this information from a storage area of the disc. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Ball and read copyright holder from a storage area of the disc since it was known to store this type of information in a storage area of a disc.

**Re claim 12:** Ball does not explicitly disclose the step of generating key data using the payment imposing unit as the data indicative of the completion of imposing payment from the basic data received. However, Ball discloses the use of a communication link (page 5, lines 10) for automatic forwarding of the royalty fees involved in the operation of the apparatus. Thus, it would have been obvious to one of ordinary skill in the art to generate key data for secure transmission of the completion of imposing payment over the communication link to the apparatus.

**Re claims 13, 14:** It is fundamental in the art to verify the key data transmitted through the communication link by collating with key data held by the apparatus to prevent fraud. Further, Ball discloses recording of the data onto the second recording medium based on the judging to discourage subsequent unauthorized copying from the dispensed tapes.

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**Re claim 15:** It is fundamental in the art to transfer any information after authentication of the key to prevent fraud.

**Re claim 16, 17:** Ball does not explicitly disclose canceling the imposed payment when the selected dubbing speed is a predetermined speed. However, Yoshioka discloses digital disc reproduction system and teaches a record/playback unit to read data from a first recording medium (Figure 2, CD Player 12) and record onto a second recording medium (Figure 2, cassette recorder 11). Yoshioka further teaches a control unit (microcomputer) for controlling the recording operation in fast speed dubbing mode as well as standard speed dubbing mode using a selector switch (Col. 5, lines 7-20). Yoshioka also teaches that the recording is started in the standard speed dubbing mode without transmitting any data to a payment imposing unit since Yoshioka is not concerned with paying for the service. Thus, it would have been obvious to one having ordinary skill in the art to implement either scenario (payment required or no payment required) in the system of Ball in view of the teachings of Susuki and Yoshioka. If one was concerned about receiving payment for the dubbing service at increased speeds, then, it would have been obvious to one having ordinary skill in the art to modify Ball and adopt the teachings of Susuki to allow for charging based upon the dubbing speed. If one was not concerned about receiving payment or offering the service for free if the standard dubbing speed is used, then, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Ball and adopt the teachings of Yoshioka to allow for recording at a standard speed without transmitting data to a payment imposing unit, thereby, starting the recording without charging the user.

**Re claim 18:** Ball discloses reading out corresponding data from a data storage unit in response to indicator data supplied from an operating unit (i.e., a customer selects musical pieces) and recorded onto the first recording medium (i.e., transferred to video disk) where the corresponding data corresponds to the indicator data (i.e., the data to be recorded is matched to the identification of the customer).

**(11) Response to Argument**

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**First Issue**

Appellant argues that the reference to Suzuki fails to show or suggest a payment imposing unit wherein a payment imposed upon a user is based in part on a dubbing speed selected by the user. Examiner respectfully disagrees and submits that Suzuki discloses an information providing apparatus that enables user selected information to be transmitted from a reproduction device to the user terminal and also enables the user to select a compression rate and wait period which represents the speed at which the information is transmitted and recorded to a user's local terminal (Col. 9, lines 58-64; Col. 10, lines 8-43; Col. 14, lines 1-7 and 54-67; Col. 16, lines 20-27), which examiner submits is analogous to the speed at which the information is provided from one device to another, such as a dubbing speed. Suzuki further teaches wherein the payment imposed on the user is based on the transmission or reproduction speed selected by the user (Figures 13-14 and 17-18; Col. 6, lines 43-49 and 55-60; Col. 13, lines 24-48 and Col. 20, lines 30-35). Thus, examiner submits that it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the method of Ball and adopt the teachings of Suzuki and incorporate the ability to charge different fees based upon the amount of time it takes to provide the information to the user. Suzuki provides motivation by indicating that this would provide more flexibility due to the fact that the user can be charged a fee based upon the quality and value of the information provided as well as the wait period (Col. 5, lines 1-5; Col. 6, lines 55-60; Col. 20, lines 30-35).

Appellant further argues that it would not have been obvious to combine Suzuki with Ball et al because the art of managing a transmission band of a transmission line would not be investigated by an inventor designing a dubbing system connected to a payment imposing unit. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Also, it has been held that a prior art reference must either be in the field of applicant's

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endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Ball discloses a system for recording information from one device to another and further enables the user to select a dubbing speed (Page 4, lines 1-6), however, fails to disclose or suggest charging the user different rates based upon the speed at which the information is provided from the source to the destination, such as a dubbing speed. Suzuki discloses a system that enables a user to select information to be transmitted from a source to the user's device and further enables the user to select a compression rate and wait period which represents the speed at which the information is transmitted to the user. Suzuki also teaches that the user may be charged different rates based upon the compression rate and wait period. Thus, examiner submits that one having ordinary skill in the art would have been motivated to combine the teachings of Ball and Suzuki since both teachings are related to transferring information from one device to another at particular rates of speed. Examiner further submits that if one was interested in charging a user a fee for information such as dubbing information from a source to a user's device, one would have been motivated to use the teachings of Suzuki and combine these with Ball as an effective means for charging a user a fee based upon a rate of speed at which the information is provided.

**Second Issue**

Appellant argues Yoshioka is silent about charging anything for the dubbing and therefore does not include a payment imposing unit. Appellant further argues that it would not have been obvious to combine the teachings of Yoshioka and Ball. Yoshioka discloses digital disc reproduction system and teaches a record/playback unit to read data from a first recording medium (Figure 2, CD Player 12) and record onto a second recording medium (Figure 2, cassette recorder 11). Yoshioka further teaches a control unit (microcomputer) for controlling the recording operation in fast speed dubbing mode as well as standard speed dubbing mode using a selector switch (Col. 5, lines 7-20). Yoshioka also teaches that the recording is started in the standard speed dubbing mode without transmitting any data to a payment imposing unit since Yoshioka is not concerned with paying for the service. Examiner agrees that

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Yoshioka does not disclose a payment imposing unit, however, examiner has not relied upon Yoshioka for this teaching but rather has relied upon Suzuki to disclose the payment imposing unit. Examiner submits that If one was concerned about receiving payment for the dubbing service at increased speeds, then, it would have been obvious to one having ordinary skill in the art to modify Ball and adopt the teachings of Suzuki to allow for charging based upon the dubbing speed as discussed above. If one was not concerned about receiving payment or offering the service for free if the standard dubbing speed is used, then, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Ball and adopt the teachings of Yoshioka to allow for the start of recording at a standard speed without transmitting data to any payment imposing unit since there would be no data related to a user charge.

Appellant further argues that Yoshioka teaches away from the presently claimed invention due to the lack of a payment imposing unit. Examiner respectfully disagrees and submits that Suzuki discloses the payment imposing unit since Suzuki is concerned with charging the user. Examiner also submits that there would be no need for Yoshioka to disclose a payment imposing unit since Yoshioka allows the user to record the information for free. Thus, Yoshioka does not teach away from the invention, but rather teaches the scenario in which the user is allowed to record the information wherein no information related to charging would be transmitted to any device or unit since Yoshioka is not concerned with payment for the service.

### **Third Issue**

Appellant asserts that Freeny, Jr is silent about transferring a payment to an account specified by the copyright holder and further argues that in Freeny, Jr., it is the point of sale location owner who charges the credit card of the user. Examiner respectfully disagrees and submits that Freeny, Jr. also disclose that the "owner" may also be the owner of the information and that the owner of the information charges the sale to the consumer credit card number which would transfer funds to an account specified by the owner or copyright holder of the information as part of the credit card transaction (Col. 13, lines 25-40).

**Fourth Issue**

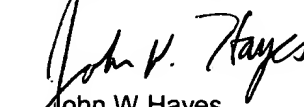
Appellant lastly argues that the teachings of Endoh are unrelated to a copyright holder ID and that the teaching of Endoh is unrelated to the control data storage region (TOC) according to the presently claimed invention. Examiner respectfully disagrees and submits that Ball discloses reading copyright holder ID data (Page 3, lines 5-20), however fails to explicitly disclose reading this information from a control data storage region of the recording medium. Thus, Endoh is only relied upon to teach an apparatus for copying data stored on a recording medium and further reading copyright holder information from a particular storage area of the recording medium (Figure 7; Col. 4, lines 55-60; Col. 5, lines 35-45; Col. 7, lines 45-55). Ball describes using the copyright information to prevent illegal usage of the data, but does not describe where this information is read from. Endoh discloses reading this information from a storage area of the recording medium and further discloses that this information is read so that the proper royalty can be paid to the copyright holder of the copied information. Accordingly, examiner submits that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Ball and read copyright holder from a storage area of the recording medium since it was known to store this type of information in a particular storage area of a recording medium as taught by Endoh.



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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
John W Hayes  
Primary Examiner  
Art Unit 3621

May 11, 2005

Conferees

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